

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

IN RE HOOSICK FALLS PFOA CASES

No. 19-MC-18 (LEK/DJS)

MICHELE BAKER, *et al.*, individually and
on behalf of all others similarly situated,

Plaintiffs,

v.

No. 16-CV-917 (LEK/DJS)

SAINT-GOBAIN PERFORMANCE
PLASTICS CORP., HONEYWELL
INTERNATIONAL INC. f/k/a ALLIED-
SIGNAL INC. and/or ALLIEDSIGNAL
LAMINATE SYSTEMS, INC., E. I.
DUPONT DE NEMOURS AND COMPANY
and 3M CO.,

Defendants.

***BAKER* PRETRIAL CASE MANAGEMENT
AND SCHEDULING ORDER TO GOVERN MERITS DISCOVERY, SUMMARY
JUDGMENT, AND TRIAL**

WHEREAS, on October 9, 2018, the Court entered the Standing Order Regarding Hoosick Falls PFOA Cases (No. 16-cv-917, ECF No. 72) requiring the parties to coordinate discovery in the Affected Cases, as defined in that Order;

WHEREAS, on May 28, 2019, the Court entered the First Global Pretrial Case Management and Scheduling Order (“Global Pretrial Case Management and Scheduling Order”) (No. 19-mc-18, ECF No. 2), which provided, *inter alia*, two case management tracks, (1) the “*Baker* Class Action” (No. 16-cv-917) and (2) the “Individual Cases” (all other cases), as well as a schedule for each track;

WHEREAS, on December 16, 2020, the Court entered the Fifth Amended Global Pretrial Case Management and Scheduling Order (No. 16-cv-917, ECF No. 219), which governs class certification briefing deadlines and class certification expert discovery in the *Baker* Class Action;

WHEREAS, the Fifth Amended Global Pretrial Case Management and Scheduling Order stated, “Within 30 days of the ruling on Plaintiffs’ Motion for Class Certification, the parties will submit to the Court a proposed schedule for the completion of merits discovery,” (*id.* at 5);

WHEREAS, Plaintiffs in the *Baker* Class Action resolved their claims on a classwide basis with Defendants Saint-Gobain Performance Plastics Corp., Honeywell International Inc., and 3M Co., and the Court granted final approval to the partial class settlement on February 4, 2022, (ECF No. 316);

WHEREAS, the Court granted Plaintiffs’ Motion for Class Certification against the remaining Defendant in the *Baker* Class Action, E.I. DuPont de Nemours and Company (“DuPont”), on September 30, 2022, (ECF No. 324);

NOW THEREFORE, it is hereby STIPULATED AND AGREED by and between the remaining parties and their counsel that the following deadlines shall govern merits discovery, dispositive motion practice, and trial in the *Baker* Class Action, and that the dates set forth herein shall not be amended except by order of the Court:

Event	Date
Commencement of Merits Discovery	Entry of this Order
Parties May Serve Merits Written Discovery on Parties and Non-Parties	10 Days Following Entry of this Order
Parties Commence Merits Depositions	January 1, 2023

Close of Merits Discovery ¹	April 28, 2023
Plaintiffs Identify Merits Experts and Serve Expert Reports ²	May 12, 2023
Plaintiffs Serve Expert Reliance Materials	May 19, 2023
DuPont Identifies and Serves Expert Reports	August 11, 2023
DuPont Serves Expert Reliance Materials	August 18, 2023
Parties May Serve Expert Rebuttal Reports	September 8, 2023
Parties Serve Rebuttal Expert Reliance Material	September 15, 2023
Depositions of Expert Commence ³	September 18, 2023
Depositions of Experts Conclude	December 4, 2023
Parties Shall File Motions for Summary Judgment and Motions for Exclusion of Expert Testimony Pursuant to Rule 702 and <i>Daubert</i>	January 8, 2024
Opposition Briefs to Motions for Summary Judgment and Motions for Exclusion of Expert Testimony Pursuant to Rule 702 and <i>Daubert</i> Shall Be Filed	February 8, 2024
Reply Briefs in Support of Motions for Summary Judgment and Motions for Exclusion of Expert Testimony Pursuant to Rule 702 and <i>Daubert</i> May Be Filed	March 1, 2024
	Within 21 Days of Completion of Summary Judgment and <i>Daubert</i> Briefing, the Parties Shall Propose a Schedule to Govern Trial

¹ The parties agree to make good faith efforts to meet and confer regarding scheduling of depositions that cannot be completed prior to the close of merits discovery.

² The parties agree that the Stipulated Protocol for Cross-Designation of Expert Witnesses shall apply to expert witnesses designated on the merits.

³ The parties shall make good faith efforts to schedule depositions of Plaintiffs' experts prior to depositions of DuPont's experts.

All of the above is **SO ORDERED**.

Dated: October 26, 2022
Albany, New York



Daniel J. Stewart
U.S. Magistrate Judge